



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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December 9, 1994

Ms. Kimberly Vanness
Department of Environmental Quality
Water Division
Office of Water Resources Management
P. O. Box 10009
Richmond, Virginia 23240

Dear Ms. Vanness:

It is our understanding that you are considering a Water Protection Permit (application

family housing, and a 430 slip marina expansion. This project is to be located within the Town of Cape Charles on Virginia's Eastern Shore. The Town of Cape Charles is within Tidewater Virginia and falls under the auspices of the Chesapeake Bay Preservation Act.

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The Town had originally adopted a Bay Act program which was found consistent by the Chesapeake Bay Local Assistance Board in March 1991. However, in January 1992, the Town annexed over 2,000 acres of land from Northampton County'. Since the annexation, the Department has been working to move the Town towards compliance with the requirements of the Bay Act and Chesapeake Bay Preservation Area Designation and Management Regulations

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(VR 173-0201). The Town has not yet adopted amendments -to its Bay Act program that would apply to the annexed land area.

Therefore, the Department would request that any Water Quality Protection permit issued to Brown and Root for activities within the Town be conditioned on the Town's full compliance with the Bay Act Regulations. One particular item of concern is the proposed marina expansion. According to the Regulations, when the marina basin is excavated and a perennial connection is excavated between the new basin and Kinas Creek, the 100-foot buffer portion of the Resource Protection Area is to be measured from the shoreline of the new basin. We would also request that the permit require the 100-foot buffer be established adjacent to the new marina basin, in addition to general language requiring consistency with the Act and Regulations. We would be happy to meet with you at your earliest convenience to discuss these concerns. Furthermore,

Ms. Kimberly Vanness
December 9, 1994
Page 2

we would be happy to draft language for inclusion in the permit. Please contact me at 225-3442 if you wish any additional information or wish to schedule a meeting. Thank you for your consideration of these comments.

Sincerely,

Kathleen W. Lawrence
Executive Director

c: Donna Cesan
Shawn Smith

KLW/ses